7u

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,391	06/28/2001	Michael Epstein	US 010314	6445

24737   7590   03/20/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/894,391	EPSTEIN, MICHAEL
	Examiner	Art Unit	
	Ian dai thi truong	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) *1-3 and 11-13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawing

Figure 1 of the disclosure is objected because claim 7 teaches that the timer operably coupled to the verifier and the render, but figure 1 does show that the timer only couples to verifier. The correction is requested

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or descry bed as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 9 are rejected under 35 U.S.C 103(a) as being un-patentable over Serret-Avila et al. (U.S. 6,785,815) in view of Honda (U.S. 6,910,221) and further in view of Hershey et al. (U.S. 4,924,378)

In referring to claim 7:

Serret-Avila discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for processing a system comprising:

A renderer for receiving a plurality of data items corresponding to a data set, and for producing therefrom a rendering corresponding to a select data item: (Serret-Avila discloses "digital signals in compact disc, a DVD" which is equivalent to "data set": abstract, lines 5-11; column 3, lines 29-46)

A verifier, operably coupled to the renderer, for precluding the rendering corresponding to the select data item in dependence upon whether other data items of the plurality of data items are available to the renderer: ("verification engine" which is equivalent to "a verifier": column 3, lines 29-36)

A timer, operable coupled to the verifier and renderer, for measuring response times associated with responses to request for the other data items from the render: (Honda disclose "time measurement section" which is equivalent to "timer", display section" which is equivalent to "render", and "evaluation system" which is equivalent to "verifier": column 3, lines 35-67; column 4, lines 1-67; column 9, lines 1-67, column 10, lines 1-67: 96,910,221)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honda's ideas of incorporation between time measurement section, evaluation system with Serret-Avila's system in order to be able using processing time to determine validation

However, Serret-Avila- Honda does not disclose wherein the verifier precludes the rendering based at least in part on an assessment of the response times

Hershey disclosed a timer is set in the operating system of the work station to keep track of responses it is waiting for, and based on comparison between response time and the time is set by timer the verifier determines that it is valid request or not

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Hershey's ideas of validation request based on response time

with Serret-Avila- Honda's system in order to improve security for communication system

In referring to claim 9:

"The processing system of claim 7, wherein the verifier is configured to form the

assessment based on at least one of:

- An average of the response times,

- A comparison of the response times to one or more threshold times, and

- A statistical test based on the response times." is matched (column 5, lines 27-35)

Hershey disclosed how the system keeps track of responses it is waiting for. He taught

that the system compares the response time with the time is " the threshold time" set by timer to

determine if it is valid request or not.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Hershey's ideas of validation request based on response time

with Serret-Avila- Honda's system in order to improve security for communication system

Claims 4-6 are rejected under 35 U.S.C 103(a) as being un-patentable over Hershey et

al. (U.S. 4,924,378) in view of Fischer (U.S. 5,659,617)

In referring to claim 4::

A verifier that is configured to determine an authorization to process protected material,

based on one or more responses to one or more requests: (Hershey disclosed a System For

Managing Software Licenses by limiting the number of computers permitted to run a program to

the number of licenses granted. This system measures which discourage persons from trying to·

run a program without a license by getting around the check points, if a license is not available,

the application program will not be able to run. Hershey disclosed microprocessor which is

equivalent to "a verifier" verifies communication between License Storage Key and a Work

Station. He taught that the microprocessor verifies requests and responses between License

Storage Key and a Work Station to determine that a license exits or not: column 5, line19;

column 6, lines 50-53, 65-68; column 7, lines 11-21; column 3, lines 56-67; column 5, lines 2-3)

A timer that is configured to measure response times associated with the one or more

responses to the one or more requests; wherein the verifier is configured to determine the

authorization based at least in part on an assessment of the response times: (Hershey disclosed a

timer is set when a request is sent out from work station to the License Storage Key to measure

the response time for system, and base on the time is set by the timer, if a response is not

received within the setting time, then an error is returned to requestor: column 5, lines 27-35)

However, Hershey does not explicitly discloses the response times are correlated to a

physical proximity between a first source of the one or more request and a second source of the

one or more responses

Fischer discloses a unique location certificates to establish the location of participants in

a network, determine the validity of objects which are expected to be present within certain

geographic bounds and control the use of security or sensitive devices, see (Fischer: column 1,

lines 49-56)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Fischer's ideas of using a unique location certificates to establish

the location of participants in a network with Hershey's system in order to control the use of

security or sensitive devices, see (Fischer: column 1, lines 49-56)

In referring to claim 5:

A verifier that is configured to determine an authorization to process protected material,

based on one or more responses to one or more requests: (Hershey disclosed a System For

Managing Software Licenses by limiting the number of computers permitted to run a program to

the number of licenses granted. This system measures which discourage persons from trying to

run a program without a license by getting around the check points, if a license is not available,

the application program will not be able to run. Hershey disclosed microprocessor which is

equivalent to "a verifier" verifies communication between License Storage Key and a Work

Station. He taught that the microprocessor verifies requests and responses between License

Storage Key and a Work Station to determine that a license exits or not: column 5, line19;

column 6, lines 50-53, 65-68; column 7, lines 11-21; column 3, lines 56-67; column 5, lines 2-3)

A timer that is configured to measure response times associated with the one or more

responses to the one or more requests; wherein the verifier is configured to determine the

authorization based at least in part on an assessment of the response times: (Hershey disclosed a

timer is set when a request is sent out from work station to the License Storage Key to measure

the response time for system, and base on the time is set by the timer, if a response is not

received within the setting time, then an error is returned to requestor: column 5, lines 27-35)

However, Hershey does not explicitly disclose wherein the assessment of the response

times forms an assessment of whether the one or more responses were communicated via a

network connection

Fischer discloses a system for provide reliable location certificate used to prove the geographic location of participants in a network. The system controls the use of security or sensitive devices by limiting their operation to certain location if they are too distant or at wrong angular locations: column 1, lines 49-56; column 4, lines 32-36)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fischer's ideas of providing reliable location certificate used to prove the geographic location of participants in a network with Hershey's system in order to control the use of security or sensitive devices, see (Fischer: column 1, lines 49-56)

In referring to claim 6:

A verifier that is configured to determine an authorization to process protected material, based on one or more responses to one or more requests: (Hershey disclosed a System For Managing Software Licenses by limiting the number of computers permitted to run a program to the number of licenses granted. This system measures which discourage persons from trying to run a program without a license by getting around the check points, if a license is not available, the application program will not be able to run. Hershey disclosed microprocessor which is equivalent to "a verifier" verifies communication between License Storage Key and a Work Station. He taught that the microprocessor verifies requests and responses between License Storage Key and a Work Station to determine that a license exits or not: column 5, line19; column 6, lines 50-53, 65-68; column 7, lines 11-21; column 3, lines 56-67; column 5, lines 2-3)

A timer that is configured to measure response times associated with the one or more responses to the one or more requests; wherein the verifier is configured to determine the authorization based at least in part on an assessment of the response times: (Hershey disclosed a

timer is set when a request is sent out from work station to the License Storage Key to measure

the response time for system, and base on the time is set by the timer, if a response is not

received within the setting time, then an error is returned to requestor: column 5, lines 27-35)

However, Hershey does not explicitly disclose wherein the assessment of the response

times forms an assessment of whether the one or more responses were immediately available, or

whether the one or more responses were a result determination

Fischer discloses a system for provide reliable location certificate used to prove the

geographic location of participants in a network. He discloses the correlation between response

time and geographic location of participant, which is used to determine if the participants are

valid members in the network or not. The system controls the use of security or sensitive devices

by limiting their operation to certain location if they are too distant or at wrong angular locations:

column 1, lines 49-56; column 4, lines 32-36; column 8, lines 45-55)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Fischer's ideas of providing reliable location certificate used to

prove the geographic location of participants in a network with Hershey's system in order to

control the use of security or sensitive devices, see (Fischer: column 1, lines 49-56)

Claim 10 is rejected under 35 U.S.C. 103(a) as being un-patentable over Hershey in

view of Zoest et al. (U.S. 6,496,802)

In referring to claim 10:

"The verifier is configured to randomly select the other data items" is not disclosed in

Hershey.

However, Zoest disclosed a Verification Server what is equivalent to "verifier" verifies that if the user is authorized to access an electronic work. He taught that the verification server may look-up random sample of data related to request and compares this sample data with data extracted from a physical work, base on comparison the Verification Server determines that if the user is authorized to access an electronic work, see (column 5, lines 21-39; column 8, lines 67; column 9, lines 1-4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was make to modify the verifier of Hershey to provide for random samples of data is taught in Zoest. The combination would have been obvious because on of ordinary skill in the art would have been motivated to verify that the users are authorized to access an electronic copy of the work based on random selection, see (Zoest: column 9, lines 1-4).

Claim 8 is rejected under 35 U.S.C 103(a) as being un-patentable over Serret-Avila-Honda-Hershey in view of Vered et al. (U.S. 6,954,786)

Regarding to claim 8:

Serret-Avila-Honda-Hershey discloses the invention substantially as disclosed in claim 8, but does not explicitly teach the assessment of the response times corresponds to a determination of whether the other data items are located in physical proximity to render, see (Vered: column 5, lines 1-9)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Vered's ideas of creating relationships between position proximity and response time with Serret-Avila- Honda's system in order to be able to improve performance of communication network
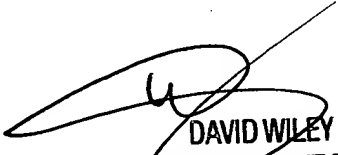
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The

examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2143

Ldt
03/08/2006

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100